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10/671,269	09/24/2003	Scott A. Van Gundy	23215-07991	6540
758	7590	10/17/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER SING, SIMON P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,269	Applicant(s) VAN GUNDY, SCOTT A.	
	Examiner Simon Sing	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al US Patent No. 5,995,596.

1.1 Regarding claim 5, Shaffer discloses a method for distributing voicemail messages, comprising the steps of:

determining, at first server (local voicemail server), whether a second server (designated central voicemail server) is available to receive the voice message(s), such as receiving a request (indicating that the second server is available to receive voice messages) from the second server for download from the local voicemail server (column 9, lines 13-16); and

responsive to determining that the second server is available;

retrieving a voicemail message from the first server; and

sending the voicemail message to the second server (column 5, lines 51-63; column 8, lines 50-67; column 9, lines 1-16; figure 6).

1.2 Regarding claim 6, Shaffer teaches determining the site of each voicemail system (column 4, lines 30-33).

1.3 Regarding claim 7, Shaffer teaches sending the voicemail message to the second server for storing as stated above.

2. Claims 5-15 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Donovan et al US Patent No. 6,396,908.

2.1 Regarding claim 5, O'Donovan discloses a method for distributing voicemail messages, comprising the steps of:

determining, at first server (local voicemail system 76A), whether a second server (remote voicemail system 76B) is available by checking a directory in figure 9 (figure 7, step 84; column 8, lines 33-49); and

responsive to determining that the second server is available (column 8, lines 33-46);

retrieving a voicemail message from the first server; and

sending the voicemail message to the second server (column 9, lines 23-28).

2.2 Regarding claim 6, O'Donovan teaches that if the second server is not available, handling the call normally (column 8, lines 47-49).

2.3 Regarding claim 7, O'Donovan teaches storing the voicemail message in the second server, if the second server is available (column 9, lines 38-40).

2.4 Regarding claim 8, O'Donovan discloses a local voicemail system 78A in figure 6 (column 7, line 51 to column 8, line 17), comprising:

a call status module to determine whether a call should be transferred to voicemail (local voicemail server 76A) (column 8, lines 9-17; column 9, lines 19-26);

a call transfer module (part of server 76A) to determine a call's voicemail extension and a (remote) server (76B) on which the voicemail extension resides, and wherein voicemail extensions reside in each server of a plurality of servers, i.e. in servers 76A and 76B (column 7, lines 51-67; column 8, lines 1-9, 18-26, 33-45); and

a voicemail migration module configured to send a voice mail message from local voicemail sever 76A to remote voicemail server 76B (column 9, lines 23-28, 38-40).

2.5 Regarding claim 9, O'Donovan teaches determining a remote voicemail server (column 7, line 51 to column 8, line 9; column 8, lines 33-49).

2.6 Regarding claim 10, O'Donovan teaches a storage device to store a called party's greeting (column 8, lines 9-14).

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2.7 Regarding claim 11, O'Donovan teaches converting audio signal to digital data for storage (column 8, lines 14-17).

2.8 Regarding claim 12, a voice messaging system inherently has a telephony interface for a subscriber (user) to retrieve his/her voice messages.

2.9 Regarding claim 13, O'Donovan teaches a directory of voice messaging systems (figure 9; column 8, lines 18-26).

2.10 Regarding claim 14, O'Donovan teaches a directory (figure 9; column 8, lines 18-26).

1.11 Regarding claim 15, O'Donovan discloses system for receiving, storing, and distributing voicemail messages in figure 6 (column 7, line 51 to column 8, line 49), comprising:

a first apparatus 78A (local system) for receiving, storing, and distributing voicemail messages, comprising: a call status module to determine whether a call should be transferred to voicemail (voicemail system 76A) (column 8, lines 9-17; column 9, lines 19-26);

a first call status module to determine whether a first call should be transferred to voicemail (local voicemail server 76A) (column 8, lines 9-17; column 9, lines 19-26);

a first call transfer module (part of server 76A) to determine the first call's voicemail extension and a first (remote) server (76B) on which the first voicemail extension resides, and wherein voicemail extensions reside in each server of a plurality of servers, i.e. in servers 76A and 76B (column 7, lines 51-67; column 8, lines 1-9, 18-26, 33-45); and

a first call transfer module to determine a call's voicemail extension and a first server (76B) on which the voicemail extension resides, wherein the server 76B is one of a plurality of servers wherein the voicemail extension reside (column 7, line 51 to column 8, line 9); and

a voicemail migration module configured to send a voice mail message from voicemail 76A to remote voicemail 76B (column 9, lines 23-28, 38-40); and

an identical second apparatus 78B coupled to the first apparatus 78A for receiving, storing, and distributing voicemail messages same as in 78A, when a call is originated from telephone 72B (system B becomes local) to a destination telephone 72A (system A becomes remote) (column 7, lines 51-67; column 8, lines 1-17, 27-32).

Allowable Subject Matter

3. Claims 1-4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: O'Donovan teaches that if a called party's remote voice messaging system is connected to the same network (available to local voice messaging system), then stores

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a voicemail message from a caller in the local voice messaging system if a called party is busy or unavailable, and if the remote voice messaging system is not connected to the same network (unknown to the local voice messaging system), the call is disconnected without taking a voicemail message. O'Donovan fails to teach storing a voice message for a remote server if determined that the remote server is not available to the local voice messaging system.

Response to Arguments

4. Applicant's arguments filed on 08/07/2007 have been fully considered but they are not persuasive.

4.1 Claims 5-7 rejected by Shafer: Applicant contends that Shaffer does not teach or suggest that in response to determining that a second server is available, sending a voice message to the second server. Examiner respectfully disagrees. Shaffer teaches that when a local voicemail system (first server) receives a request from a central (remote) voicemail system (second server) for downloading voice messages, then the local voice messaging system determines or knows that the remote voice messaging system ready for receiving. The determining step performed by the local voice messaging system reads on the claimed step of "determining" because upon receiving the request, the local voice messaging system knows that the remove voice messaging system is available.

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4.2 Claims 5-15 rejected by O'Donovan.

Independent claim 5: Applicant contends that O'Donovan does not teach or suggest determining at a first server, whether a second server is available. Examiner respectively disagrees. O'Donovan teaches that a local voice messaging server 76A determines whether or not the remote voicemail system 76b is part of the (same) network by checking a directory (figure 9). If the determination result is "yes", then server 76A plays a called party's greeting to a caller, records a voice message, and sending the voice message to the remote server (column 8, lines 34-49; column 9, lines 23-28, 38-40).

Independent claim 8: Applicant contends that O'Donovan does not teaches or suggest a call transfer module, configured to determine a call's voicemail extension and a server on which the voicemail extension resides, wherein the server is one of a plurality of servers, and wherein voicemail extension resides on each server of the plurality of servers. Examiner respectively disagrees. O'Donovan teaches a local voicemail sever 76A (where the claimed call transfer modules resides) for determining a call extension number, wherein the extension number is local to the server 76B (column 8, lines 34-45), and the extension number resides in servers 76A and 76B (column 8, lines 18-32).

Independent claim 15: See argument for claim 8.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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S. Sing

10/09/2007



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